



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Inventor: Gilbert, et al.

Atty. Dkt. No.: 5681-51900

Serial No.: 09/998,019
Filing Date: November 30, 2001

For: Automatic System Control Failover

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date indicated below:

B. Noel Kivlin
Name of Registered Representative

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**POWER OF ATTORNEY BY ASSIGNEE
AND REVOCATION OF PREVIOUS POWERS**

Commissioner for Patents
Washington, D.C. 20231

Sir:

SUN MICROSYSTEMS, INC., ("assignee"), a Delaware corporation having a place of business at 4150 Network Circle, Santa Clara, California 95054, certifies that to the best of assignee's knowledge and belief it is the assignee of the entire right, title, and interest in and to the above-referenced patent and represents that the undersigned is a representative authorized and empowered to sign on behalf of the assignee.

Assignee has reviewed the assignment documents that evidence the placement of title in the assignee, true and correct copies of which are attached hereto, and understands and believes that these assignment documents have been submitted for recordation in the U.S. Patent and Trademark Office.

Pursuant to 37 C.F.R. §§1.36 and 3.71, the assignee hereby revokes all powers of attorney previously given and appoints

I hereby revoke any previous Powers of Attorney and appoint

Alexander E. Silverman	Reg. No. 37,940	Pavel Pogodin	Reg. No. 48,205
Anirna R. Gupta	Reg. No. 38,275	Elaine K. Lee	Reg. No. 41,936
Sean P. Lewis	Reg. No. 42,798	Paul D. Sorkin	Reg. No. 39,039
Noreen A. Krall	Reg. No. 39,734	Marilyn E. Glaubensklea	Reg. No. 35,521
Bernice B. Chen	Reg. No. 42,403	Andrew C. Chen	Reg. No. 43,544
Marc D. Foodman	Reg. No. 34,110	Jeffrey L. Myers	Reg. No. 44,252
Monica Ward	Reg. No. 40,696		

each of said attorneys being employed by Sun Microsystems; and

Mark K. Brightwell	Reg. No. 47,446	Lawrence J. Merkel	Reg. No. 41,191
Brenna A. Brock	Reg. No. 48,509	Eric B. Meyertons	Reg. No. 34,876
Stephen J. Curran	Reg. No. 50,664	Jason L. Moore	Reg. No. 52,046
Mark R. DeLuca	Reg. No. 44,649	Liza Philip	Reg. No. 51,352
Russell Henrichs	Reg. No. 50,354	David W. Quimby	Reg. No. 39,338
Erik A. Heter	Reg. No. 50,652	Rory D. Rankin	Reg. No. 47,884
Jeffrey C. Hood	Reg. No. 35,198	Gareth Sampson	Reg. No. 52,191
B. Noël Kivlin	Reg. No. 33,929	Chris Thompson	Reg. No. 43,188
Robert C. Kowert	Reg. No. 39,255	Mark S. Williams	Reg. No. 50,658
Mark Lupkowski	Reg. No. 49,010		

each of said attorneys or agents being a member or an associate of the firm of Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C., as attorney or agent for so long as they remain with such company or firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the Letters Patent.

Pursuant to 37 C.F.R. §3.71, the assignee hereby states that prosecution of the above-referenced patent application is to be conducted to the exclusion of the inventor(s).

Send all future correspondence to: B. Noël Kivlin
Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P.O. Box 398
Austin, Texas 78767-0398
(512) 853-8800

Assignee of Interest Sun Microsystems, Inc.
4150 Network Circle
Santa Clara, California 95054

Dated: 12/20/02

By: Noreen A. Krall
Name: Noreen A. Krall
Reg. No.: 39,734
Title: Director of Intellectual Property,
Hardware and Systems

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, does hereby:

SELL, ASSIGN AND TRANSFER to SUN MICROSYSTEMS, INC. (the "Assignee"), having a place of business at 901 San Antonio Road, MS PAL01-521, Palo Alto, CA 94303, the entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, which has been executed by the undersigned concurrently herewith and is entitled, "AUTOMATIC SYSTEM CONTROL FAILOVER," such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

TO BE BINDING on the heirs, assigns representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

Signature: Gary L. Gilbert Date: 11-30-01
Gary L. Gilbert

Signature: Cathleen Quick Date: 11/29/01
Cathleen Quick